

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ASAD ZAY BEY,

Plaintiff,

v.

Case No. 2:20-cv-00806-JLB-NPM

DONALD MASON, ROGER D. EATON,
BILL PRUMMELL, RYAN LAROSA, IAN
ALVAREZ, GEORGE C. RICHARDS, and
AMIRA FOX,

Defendants.

ORDER

The Magistrate Judge filed a Report and Recommendation (“R&R”) in this matter on December 13, 2020, recommending that the motion to proceed in forma pauperis filed by Plaintiff Asad Zay Bey (Doc. 2)¹ be denied and that this action be dismissed as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i). No objections have been filed. A district judge may accept, reject, or modify the magistrate judge’s R&R. 28 U.S.C. § 636(b)(1). The factual findings in the R&R need not be reviewed de novo in the absence of an objection, but legal conclusions are always reviewed de novo. Id.; Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993). After an independent review of the record—and noting that no objections have been filed—the Court agrees with the

¹ Mr. Bey has also filed a form affidavit of indigency. The Court agrees with the Magistrate Judge’s decision to construe the affidavit as a motion to proceed in forma pauperis.

well-reasoned R&R. Although the R&R does not recommend whether to dismiss with or without prejudice, the Court believes that dismissal with prejudice is appropriate given the utter frivolity of Mr. Bey's claims.

Accordingly, it is **ORDERED**:

1. The Report and Recommendation (Doc. 4) is **ADOPTED**.
2. Mr. Bey's motion to proceed in forma pauperis (Doc. 2) is **DENIED**.
3. This action is **DISMISSED WITH PREJUDICE**. The Clerk is directed to close the file.

ORDERED in Fort Myers, Florida, on January 13, 2021

A handwritten signature in black ink, reading "John L. Badalamenti". The signature is written in a cursive, flowing style.

JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE